

PATENT
Attorney Docket No. 6556.0003-04000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)

John POLK)

Serial No.: 09/975,241)

Filed: October 12, 2001)

For: Method and Apparatus for)
Child Support Payment)
Processing and Child Support)
Disbursement Processing)
by a Processing Entity)

Group Art Unit: 2161

Examiner: Not Yet Assigned

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

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NOTICE OF RELATED LITIGATION

Pursuant to 37 C.F.R. § 1.56, as clarified by § 2001.06(c) of the Manual of Patent Examining Procedure, Applicant hereby notifies the Examiner that U.S. Patent No. 6,119,107 (the '107 patent), issued from application no. 09/003,941 (the '941 application), filed January 7, 1998, from which the above-identified application is a continuation, is the subject of a litigation in the United States District Court for the Middle District of Pennsylvania (Civ. Action No. 1:CV 01-2060) between plaintiff ACS State & Local Solutions, Inc. against defendant EFTCHILDSUPPORT.COM, L.L.C. The plaintiff's Complaint and First Amended Complaint are attached as Exhibits A and B.

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In this dispute, the defendant has alleged, inter alia, that the '107 patent is invalid under 35 U.S.C. §§ 101, 102, 103, 112, without specifically identifying any basis for those allegations. See the Defendant's Answer to Plaintiff's Amended Complaint, attached as Exhibit C. Some discovery has been conducted but the defendant has cited no references other than those listed on the face of the '107 patent, as seen in Defendant's Supplemental Responses to Plaintiff's Interrogatories, attached as Exhibit D.

The defendant initially alleged that the '107 patent is unenforceable due to an intentional failure to disclose pertinent information to the U.S. Patent & Trademark Office during the prosecution of the '941 application and patent misuse. However, the defendant withdrew those allegations in their Amended Answer to Plaintiff's Amended Complaint, attached as Exhibit E.

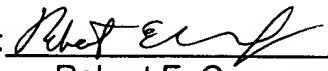
Applicant will continue to keep the PTO informed of further developments in this related litigation.

If there is any fee due in connection with the filing of this Notice, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 8, 2002

By: 
Robert E. Converse, Jr.
Reg. No. 27,432

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ATTACHMENT TO NOTICE OF RELATED LITIGATION